

EXHIBIT 6

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UNITED STATES DISTRICT COURT.
SOUTHERN DISTRICT OF NEW YORK

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MARK I. SOKOLOW, et al.,

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PLAINTIFFS,

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-against-

Case No:
04CV397 (GBD) (RLE)

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THE PALESTINE LIBERATION ORGANIZATION, et
al.,

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DEFENDANTS.

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DATE: July 10, 2012

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TIME: 11:42 A.M.

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B E F O R E:

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Magistrate Ronald Ellis,

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(Via Teleconference)

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TELEPHONIC RULINGS IN RE THE

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DEPOSITION of THE ESTATE OF DIANE CARTER

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and LARRY CARTER, Individually, taken by

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the Defendants held at the offices of

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Morrison & Foerster, 1290 Avenue of the

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Americas, New York, New York 10104, before

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Robert X. Shaw, CSR, a Notary Public of the

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State of New York.

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2 would not that fall in the category
3 of a failure to produce documents in
4 discovery?

5 MR. HILL: I agree.

6 THE MAGISTRATE: And in any --
7 if any of the Plaintiffs --

8 I mean, if your interrogatories
9 or requests to produce, forgetting
10 for now the decedent, if any of the
11 people who are alive try to introduce
12 documents that they didn't produce
13 during discovery, doesn't it seem
14 obvious to you that that's improper?

15 MR. HILL: I agree, your Honor.

16 And I was trying to use this
17 device to close that issue out and
18 get binding admissions on behalf of
19 the estate that I either had all the
20 documents, or have them identify all
21 the documents so I could follow up
22 with Plaintiffs' counsel, either
23 informally or formally through your
24 Honor to compel production of the
25 materials that I don't appear to

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have.

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THE MAGISTRATE: Okay. Well --

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MR. TOLCHIN: Your Honor, can I
be heard on this for a moment?

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THE MAGISTRATE: Am I to assume
that Dr. Carter is the person who is
in, has the, is he officially the
person who is controlling the estate?

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MR. HILL: Yes, your Honor.
He's testified that he was appointed
as the personal representative of the
estate. And I believe this is a
North Carolina estate that he
established.

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THE MAGISTRATE: All right.
And so, I would --
I'll tell you what I expect.
I would expect that to the
extent that there are any documents
that the estate has, that they be
produced to the Defendants.
And I don't care whether it's
-- I don't care whether the Plaintiff
is alive or deceased, to the extent

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2 that they were directed to produce
3 documents that were responsive, they
4 produce them during discovery, or
5 those documents are not going to be
6 admissible at -- well, at least as
7 far as I'm concerned, and if I have
8 to do an order at the end of this to
9 make it clear, any responsive
10 documents not produced during
11 discovery will be inadmissible at
12 trial.

13 MR. HILL: Okay, your Honor.

14 MR. TOLCHIN: Your Honor, I
15 think you're stating something --
16 this is Bob Tolchin -- I think you're
17 stating something that nobody
18 disagrees with. And I would just
19 point out that it's far afield from
20 where this call began.

21 MR. HILL: I was just --

22 MR. TOLCHIN: This call began
23 with a request to terminate the
24 deposition based on the 30(b)6 issue,
25 and I think we've now moved beyond

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2 that to Mr. Hill -- I mean -- I don't
3 know how many death cases Mr. Hill
4 has handled. It's kind of odd to me
5 the way he's approaching this.

6 The pain and suffering issue is
7 always dealt with from the medical
8 records, if there's an autopsy, from
9 the autopsy report. No personal
10 representative of an estate knows, in
11 its capacity as the representative of
12 an estate, any information about
13 that. That's typically a family
14 member.

15 THE MAGISTRATE: Okay.

16 MR. TOLCHIN: And maybe they
17 were there by the person's bedside --

18 THE MAGISTRATE: Counsel,
19 counsel, all right. I know you both
20 want to make some points.

21 All I want you to do is
22 understand from my point of view, the
23 purpose of discovery is that there be
24 no surprises. And that to the extent
25 that individuals are asked, or

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2 entities are asked about, or asked to
3 produce documents, or answer
4 questions concerning the claims that
5 are put forth, that they are required
6 to do those and answer them fully.

7 To the extent that that's not
8 done, then those documents not
9 produced will not be allowed to be at
10 trial.

11 MR. TOLCHIN: Of course.

12 THE MAGISTRATE: And if nobody
13 disagrees with that, then there's
14 probably nothing more for us to talk
15 about.

16 MR. TOLCHIN: Thank you very
17 much, your Honor.

18 MR. HILL: I don't disagree,
19 your Honor.

20 And I thank you for your time.

21 This has been helpful to help
22 us evaluate how to proceed.

23 THE MAGISTRATE: All right.
24 Then we're adjourned.

25 Thank you.